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*Attorneys for Plaintiff*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES-CENTRAL DISTRICT**

ARIANNA SERNA MAGGIORE, an  
individual

*Plaintiff,*

vs.

MGM RESORTS INTERNATIONAL,  
A DELAWARE CORPORATION;

Case No.:

**COMPLAINT FOR DAMAGES**

1. NEGLIGENCE – Hotel Defendants;
2. NEGLIGENCE – Venue Defendants

MANDALAY CORP., A NEVADA CORPORATION;  
MGM RESORTS FESTIVAL GROUNDS LLC, A NEVADA LIMITED-LIABILITY COMPANY;  
LIVE NATION ENTERTAINMENT, INC., A CALIFORNIA CORPORATION;  
LIVE NATION GROUP D/B/A ONENATIONGROUP, LLC, A NEVADA DOMESTIC LIMITED-LIABILITY COMPANY;  
CONTEMPORARY SERVICES CORPORATION, A CALIFORNIA CORPORATION;  
ESTATE OF STEPHEN PADDOCK, A NEVADA RESIDENT; AND  
DOES 1 THROUGH 100, INCLUSIVE,

*Defendants.*

3. BATTERY;

4. ASSAULT; and

5. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

**JURY TRIAL DEMANDED**

### **COMPLAINT**

COMES NOW Plaintiff ARIANNA SERNA MAGGIORE, by and through her undersigned Counsel, requests a trial by jury and alleges as follows:

### **THE PARTIES**

1. At all relevant times, Plaintiff ARIANNA SERNA MAGGIORE (“MS. MAGGIORE”) was an individual residing in the County of Contra Costa, State of California.

2. At all relevant times, Defendant MGM RESORTS INTERNATIONAL

1 (“MGM”), was a corporation duly licensed and incorporated under the laws of  
2 Delaware, and believed to be the owner, co-owner, or manager of certain premises  
3 commonly referred to as the Mandalay Bay Resort 17 and Casino Las Vegas  
4 (hereinafter “Mandalay Bay”), at 3950 South Las Vegas Blvd, Las Vegas, NV 89119,  
5 as well as “Las Vegas Village”, an open-air concert and event venue across from  
6 Mandalay Bay consisting of 15 acres of seating area, and a capacity of 40,000 guests.  
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10 3. At all relevant times, Defendant MANDALAY CORP. was a  
11 corporation with minimum contacts in the State of California, duly licensed and  
12 incorporated under the laws of Nevada, and as a subsidiary of Defendant MGM, is  
13 believed to be the owner, manager and operator of the Mandalay Bay premises.  
14

15  
16 4. At all relevant times, Defendant MGM RESORTS FESTIVAL  
17 GROUNDS LLC (hereinafter, “MGM RESORTS FESTIVAL”) was a limited  
18 liability company with minimum contacts in the State of California, duly licensed  
19 and incorporated under the laws of Nevada, and believed to be the owner, co-owner,  
20 or manager of certain premises commonly referred to as Las Vegas Village, at 3901  
21 South Las Vegas Boulevard, Las Vegas, Nevada 89119, where the Route 91 Harvest  
22 Festival was held in September and October 2017.  
23  
24

25  
26 5. At all relevant times, Defendant LIVE NATION ENTERTAINMENT,  
27 INC. (“LIVE NATION”) was a corporation duly licensed and incorporated under  
28

1 the laws of Delaware, with its principal place of business located in the County of  
2 Los Angeles, State of California, and believed to be the concert and event promoter  
3 of the Route 91 Harvest Festival at Las Vegas Village in September and October  
4 2017.  
5

6  
7 6. At all relevant times, Defendant LIVE NATION GROUP d/b/a  
8 ONENATIONGROUP, LLC (“ONENATIONGROUP”) was a limited liability  
9 company with minimum contacts in the State of California, duly licensed and  
10 incorporated under the laws of Nevada, and believed to be the concern and event  
11 promoter of the Route 91 Harvest Festival at the Las Vegas Village in September  
12 and October 2017.  
13  
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15 7. At all relevant times, Defendant CONTEMPORARY SERVICES  
16 CORPORATION (“CSC”) was a corporation duly licensed and incorporated under  
17 the laws of California, with its principal place of business located in the County of  
18 Los Angeles, State of California, and believed to be the concern and event security  
19 firm for the Route 91 Harvest Festival at the Las Vegas Village in September and  
20 October 2017.  
21  
22

23 8. At all relevant times, STEPHEN PADDOCK (“PADDOCK”) was an  
24 individual residing in Clark County, Nevada. PADDOCK was the accused  
25 perpetrator of a mass shooting which occurred on October 1, 2017, and which took  
26 place from a location within PADDOCK’s hotel room at Mandalay Bay into a crowd  
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1 of concert-goers at the Las Vegas Village venue. PADDOCK is now deceased,  
2 resulting in the need to sue the ESTATE OF STEPHEN PADDOCK.  
3

4 9. That the true names and capacities whether individual, corporate,  
5 associate or otherwise, of the Defendants herein designated as DOES 1 through 100,  
6 inclusive, are unknown to Plaintiff at the time of filing this Complaint and, therefore,  
7 Plaintiffs sues said Defendants by fictitious names. Plaintiff is informed and  
8 believes, and based upon such information and belief, alleges that each of the  
9 Defendants designated herein as DOES 1 through 100 is, in some manner and to  
10 some extent, legally responsible for the events and happenings herein referred to and  
11 proximately caused damages to Plaintiff as herein alleged. Plaintiff will seek leave  
12 of Court to amend this Complaint to insert the true names and capacities of such  
13 Defendants when same have been ascertained.  
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18 10. Plaintiff is informed and believes and thereon alleges that at all times  
19 mentioned herein, MGM, MANDALAY CORP. and as-yet unidentified DOES 1  
20 through 100 (hereinafter referred to collectively as the "Hotel Defendants") were  
21 agents, servants, employees, partners, distributors or joint venturers of each other  
22 and that in doing the acts herein alleged, were acting within the course and scope of  
23 said agency, employment, partnership, or joint venture. Each and every Defendant  
24 aforesaid was acting as a principal and was negligent or grossly negligent in the  
25 selection, hiring and training of each and every other Defendant or ratified the  
26  
27  
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1 conduct of every other Defendant as an agent, servant, employee or joint venture.

2 11. Plaintiff is informed and believes and thereon alleges that at all times  
3 mentioned herein, MGM, MGM RESORTS FESTIVAL, LIVE NATION,  
4 ONENATIONGROUP, CSC and as-yet unidentified DOES 1 through 100  
5 (hereinafter referred to collectively as the “Venue Defendants”) were agents,  
6 servants, employees, partners, distributors or joint venturers of each other and that  
7 in doing the acts herein alleged, were acting within the course and scope of said  
8 agency, employment, partnership, or joint venture. Each and every Defendant  
9 aforesaid was acting as a principal and was negligent or grossly negligent in the  
10 selection, hiring and training of each and every other Defendant or ratified the  
11 conduct of every other Defendant as an agent, servant, employee or joint venture.  
12

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15  
16 **GENERAL ALLEGATIONS**  
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18 12. Plaintiff realleges and incorporates by reference, every allegation  
19 contained in this Complaint, as though set forth fully herein.  
20

21 13. On October 1, 2017, Plaintiff MS. MAGGIORE was an attendee at the  
22 Route 91 Harvest Festival, a three-day music festival featuring numerous artists  
23 which took place at the Las Vegas Village.  
24

25 14. During Jason Aldean’s performance, PADDOCK, opened fire into the  
26 crowd, which included MS. MAGGIORE and her husband. PADDOCK fired  
27 multiple rounds of ammunition into the crowd of people at the Las Vegas Village  
28

1 from his hotel suite on the 32<sup>nd</sup> floor of Mandalay Bay. MS. MAGGIORE and her  
2 husband were forced onto the ground and attempted to take cover; MS.  
3 MAGGIORE's husband got on top of MS. MAGGIORE to protect her from the gun  
4 fire. MS. MAGGIORE was struck by bullet casings/bullet fragments, and people all  
5 around her got shot.  
6  
7

8 15. During an approximately 11-minute stretch of rapid-fire shooting,  
9 PADDOCK killed 58 people, and injured hundreds of other concert goers at the Las  
10 Vegas Village. Upon information and belief, PADDOCK used bump stocks to fire  
11 his weapons rapidly, mimicking automatic fire.  
12  
13

14 16. Prior to the shooting, PADDOCK was able to use VIP status conferred  
15 on him as a high-stakes gambler, which included exclusive access to a service  
16 elevator at Mandalay Bay, to stockpile weapons and ammunition in his hotel suite  
17 over the days leading up to the mass shooting. PADDOCK kept a "Do Not Disturb"  
18 sign on his hotel room door for days leading up to the shooting. Upon information  
19 and belief, prior to the commencement of his shooting spree, PADDOCK installed  
20 security cameras on his hotel room door, in a service cart, and in the hallway.  
21 PADDOCK used the cameras as surveillance and security to thwart law enforcement  
22 and prolong his shooting spree.  
23  
24  
25

26 17. PADDOCK smashed two windows of his hotel suit and open fire into  
27 the crowd of concert-goers at the Las Vegas Village. PADDOCK also shot  
28

1 Mandalay Bay Security Officer Jesus Campos, who was outside PADDOCK's hotel  
2 room on the 32nd floor of Mandalay Bay.

3  
4 18. At all relevant times, Defendants DOES 1 through 100 were as-yet  
5 unidentified employees or agents of MGM, MANDALAY CORP., MGM  
6 RESORTS FESTIVAL, LIVE NATION, ONENATIONGROUP, CSC, PADDOCK,  
7  
8 or some other entity whose acts or omissions are believed to have contributed to the  
9 circumstances giving rise to Plaintiff's injuries and damages. Plaintiff shall seek  
10  
11 leave to amend this Complaint upon identification of said DOES, and the  
12 establishment of the Estate of Stephen Paddock.

### 13 **CLAIMS FOR RELIEF**

#### 14 **NEGLIGENCE – HOTEL DEFENDANTS**

15 *Against Defendants MGM, and/or MANDALAY CORP., and/or DOES 1 through*  
16 *100*

17 19. Plaintiff incorporates by this reference, every allegation contained in  
18 this Complaint, as though set forth fully herein.

19  
20 20. At all relevant times, Defendants MGM, and/or MANDALAY CORP.,  
21 and/or DOES 1 through 100 had a duty of reasonable care in the protection and  
22 safeguarding of persons on all Mandalay Bay premises.

23  
24 21. Based upon information and belief, Defendants MGM, and/or  
25 MANDALAY CORP., and/or DOES 1 through 100 breached their duty of  
26 reasonable care by failing to maintain the Mandalay Bay premises in a reasonably  
27



1 safe condition, including but not limited to: 1) failing to properly surveil people  
2 coming and going from the hotel; 2) failing to monitor the hotel premises with  
3 closed-circuit television (CCTV); 3) failing to timely respond or otherwise act upon  
4 PADDOCK's shooting of Mandalay Bay Security Officer Jesus Campos, who had  
5 gone to the 32<sup>nd</sup> floor to check on an alert coming from another guest room, and who  
6 was shot six minutes prior to PADDOCK's commencement of shooting towards the  
7 concert venue; 4) failing to notice or take precautions against PADDOCK's delivery  
8 of guns and/or ammunition to his hotel room; 5) failing to adequately prevent or  
9 timely discover PADDOCK's breaking-open of his hotel room windows; 6) failing  
10 to notice or take action against PADDOCK's set up of surveillance outside his hotel  
11 room; 7) failing to adequately prevent or timely discover PADDOCK's opening of  
12 his hotel room windows; 8) failing to adequately train and supervise employees on  
13 the reporting and discovery of suspicious individuals and/or person and/or activity;  
14 8) ignoring the "Do Not Disturb" sign on PADDOCK's door; and 9) failing to  
15 employ adequate safety measures.

22 22. Defendants MGM, and/or MANDALAY CORP., and/or DOES 1  
23 through 100 are further liable for the negligence of their employees pursuant to the  
24 doctrine of *respondeat superior*, and the negligence of their agents under the  
25 doctrine of Vicarious Liability.  
26  
27

23. At all relevant times, Defendants MGM, and/or MANDALAY CORP., and/or DOES 1 through 100 knew or should have known that it was reasonably foreseeable that a breach of their duties to keep their premises reasonably safe in the aforementioned manner(s) might result in catastrophic injury and harm to others, including hotel staff, guests, neighboring event attendees and concertgoers, such as MS. MAGGIORE, and the community at large.

24. As a direct and proximate result of Defendant MGM's, and/or MANDALAY CORP.'s, and/or DOES 1 through 100's negligence, Plaintiff MS. MAGGIORE was caused to incur injury to her body and mind, past and future medical expenses, past and future pain and suffering, past and future severe emotional distress, and anticipated lost past and future income.

25. Due to Defendant MGM's, and/or MANDALAY CORP.'s, and/or DOES 1 through 100's negligence in the foregoing respects, Plaintiff MS. MAGGIORE has been required to retain the services of legal counsel and to incur attorney's fees and costs thereby.

## **SECOND CLAIM FOR RELIEF**

### **NEGLIGENCE – VENUE DEFENDANTS**

***Against Defendants MGM, and/or MGM Resorts FESTIVAL, and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100***

1           26. Plaintiff incorporates by this reference, every allegation contained in  
2 this Complaint, as though set forth fully herein.  
3

4           27. At all relevant times, Defendants MGM, and/or MGM RESORTS  
5 FESTIVAL, and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC,  
6 and/or DOES 1 through 100, had a duty of reasonable care in the protection and  
7 safeguarding of persons on the Las Vegas Village premises where the Route 91  
8 Harvest Festival was held in September and October 2017.  
9  
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11           28. Based upon information and belief, Defendants MGM, MGM  
12 RESORTS FESTIVAL, and/or LIVE NATION, and/or ONENATIONGROUP,  
13 and/or CSC, and/or DOES 1 through 100 breached their duty of reasonable care in  
14 the conducting of the aforementioned music festival on the Las Vegas Village  
15 premises, including but not limited to: 1) failing to design, build and mark adequate  
16 exits in case of emergency; and 2) failing to properly train and supervise employees  
17 in an appropriate plan of action in case of a foreseeable event, such as a terrorist  
18 attack or other foreseeable emergency.  
19  
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22           29. Defendants MGM, MGM RESORTS FESTIVAL, and/or LIVE  
23 NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100  
24 are further liable for the negligence of their employees pursuant to the doctrine of  
25 *respondeat superior*, and the negligence of their agents under the doctrine of  
26 Vicarious Liability.  
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1           30. At all relevant times, Defendants MGM, MGM RESORTS  
2 FESTIVAL, and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC,  
3 and/or DOES 1 through 100, knew or should have known that it was reasonably  
4 foreseeable that a breach of their duties to keep their Las Vegas Village concert  
5 venue reasonably safe in the aforementioned manner(s) might result in injury and  
6 harm to others, including event attendees and concertgoers, such as MS.  
7 MAGGIORE.  
8

9  
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11           31. As a direct and proximate result of MGM RESORTS FESTIVAL,  
12 and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1  
13 through 100's negligence, Plaintiff MS. MAGGIORE was caused to incur injury to  
14 her body and mind, past and future medical expenses, past and future pain and  
15 suffering, past and future severe emotional distress, and past and anticipated future  
16 loss of income.  
17

18  
19           32. Due to Defendants MGM, MGM RESORTS FESTIVAL, and/or LIVE  
20 NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through  
21 100's negligence in the foregoing respects, Plaintiff MS. MAGGIORE has been  
22 required to retain the services of legal counsel and to incur attorney's fees and costs  
23 thereby.  
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26                           **THIRD CLAIM FOR RELIEF**  
27                           **BATTERY**

28                           *Against ESTATE OF STEPHEN PADDOCK*

1           33. Plaintiff incorporates by this reference, every allegation contained in  
2 this Complaint, as though set forth fully herein.  
3

4           34. At all relevant times, PADDOCK intentionally and recklessly  
5 committed acts which resulted in offensive contact with MS. MAGGIORE's person,  
6 including being struck with bullet fragments. PADDOCK acted with the intent to  
7 cause harmful or offensive contact to the crowd of concert-goers at the Route 91  
8 Harvest Festival, including MS. MAGGIORE.  
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11           35. As a direct and proximate result of PADDOCK's battery upon her,  
12 Plaintiff MS. MAGGIORE was caused to incur injury to her body and mind, past  
13 and future medical expenses, past and future pain and suffering, past and future  
14 severe emotional distress, and past and anticipated future loss of income.  
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16

17           36. Due to PADDOCK's commission of battery upon her, Plaintiff MS.  
18 MAGGIORE has been required to retain the services of legal counsel and to incur  
19 attorney's fees and costs thereby.  
20  
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22                           **THIRD CLAIM FOR RELIEF**

23                                   **ASSAULT**

24                                   ***Against ESTATE OF STEPHEN PADDOCK***

25           37. Plaintiff incorporates by this reference all of the allegations of  
26 paragraphs 1 through 47, hereinabove, as though completely set forth herein.  
27

28           38. With malicious and evil intent, PADDOCK opened fire into the crowd

1 of concert-goers at the Route 91 Harvest Festival, intending to cause harmful or  
2 offensive contact with concert-goers, including MS. MAGGIORE.

3  
4 39. As a direct and proximate result of PADDOCK's intentional conduct,  
5 Plaintiff MS. MAGGIORE suffered physical, mental, and emotional injuries.

6  
7 40. PADDOCK's conduct was a substantial factor in causing the foregoing  
8 injuries.

9  
10 **FIFTH CLAIM FOR RELIEF**  
11 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
***Against ESTATE OF STEPHEN PADDOCK***

12 41. Plaintiff incorporates by this reference all of the allegations of  
13 paragraphs 1 through 47, hereinabove, as though completely set forth herein.

14  
15 42. With malicious and evil intent, PADDOCK opened fire into the crowd  
16 of concert-goers at the Route 91 Harvest Festival, intending to harm thousands of  
17 attendees at the concert, including MS. MAGGIORE. PADDOCK's intentional act  
18 of firing bullets into the Route 91 Harvest Festival crowd resulted in the MS.  
19 MAGGIORE being forced to take cover on the ground under her husband, being hit  
20 by bullet fragments and suffering extreme mental and emotional distress impacting  
21 her relationship with work, friends, and family.

22  
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24  
25 43. The foregoing conduct is beyond outrageous and beyond acting with  
26 conscious disregard of the probability that MS. MAGGIORE, all other concert  
27 attendees, and the neighboring community would suffer emotional distress, knowing  
28

1 that the foregoing persons were present when he maliciously and with evil intent,  
2 fired bullets into the crowd of concert-goers at the Las Vegas Village on October 1,  
3 2017. PADDOCK's actions were extreme and exceeded all bounds of behavior  
4 tolerated in a civilized society.  
5

6 44. As a direct and proximate result of PADDOCK's intentional conduct,  
7  
8 MS. MAGGIORE suffered severe emotional distress.

9 45. PADDOCK's conduct was a substantial factor in causing MS.  
10  
11 MAGGIORE's emotional distress.

12 **SIXTH CLAIM FOR RELIEF**  
13 **GROSS NEGLIGENCE**

14 46. Plaintiff incorporates by this reference all of the allegations of  
15  
16 paragraphs 1 through 47, hereinabove, as though completely set forth herein.

17 47. Plaintiff alleges that all acts, conduct and omissions on the part of  
18  
19 Defendants, taken singularly or in combination, constitute gross negligence and were  
20 the proximate cause of Plaintiff's injuries and damages. Defendants' acts and/or  
21 omissions, when viewed objectively from the Defendants' standpoint at the time  
22 such acts and/or omissions occurred, involved an extreme degree of risk, considering  
23 the probability and magnitude of the potential harm to others. Defendants had actual,  
24 subjective awareness of the risk, but proceeded with conscious indifference to the  
25  
26 rights, safety and welfare of Plaintiff.  
27

1           48. Defendants' conduct was reckless and/or done with an intentional state  
2 of mind. Such gross negligence was a proximate cause of the occurrence and  
3 Plaintiff's injuries and damages.  
4

5           49. As a direct and proximate result of Defendants aforementioned tortious  
6 conduct, Plaintiff MS. MAGGIORE was caused to incur injury to her body and  
7 mind, past and future medical expenses, past and future pain and suffering, past and  
8 future severe emotional distress, and past and anticipated future loss of income.  
9  
10

11           50. Due to Defendants' tortious conduct in the foregoing respects, Plaintiff  
12 MS. MAGGIORE has been required to retain the services of legal counsel and to  
13 incur attorney's fees and costs thereby.  
14

15           51. That the aforementioned acts were conducted in a wanton, willful,  
16 malicious manner, with conscious disregard for Plaintiff's rights and the rights of  
17 those similarly situated. The acts of Defendants each of them should be assessed  
18 punitive or exemplary damages.  
19  
20

21                           **PRAYER FOR RELIEF**

22           WHEREFORE, Plaintiff MS. MAGGIORE prays for relief in the form of a  
23 Judgment in her favor, and against Defendants, and each of them, for damages as  
24 follows:  
25

26           1) For past, present, and future general damages and special damages in  
27 an amount in excess of the jurisdictional limits of this Court, according to proof and  
28



1 in accordance with California Code of Civil Procedure section 425.10;

2 2) For costs of suit, reasonable attorney's fees, and interest;

3 3) For pre- and post-judgment interest, according to proof;

4 4) For all statutorily allowed damages, and

5 5) For such other and further relief as the Court may deem just and  
6 equitable under the circumstances.  
7

8  
9 DATED this 13th day of June, 2018.  
10

11 Respectfully submitted,

12 **HILLIARD MARTINEZ GONZALES LLP**

13 By: /s/ T. Christopher Pinedo

14 T. Christopher Pinedo

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